

Remarks

Claims 5, 6, 10 and 16 are canceled herein. Claims 1, 8 and 15 are amended herein. Claims 1-4, 7-9, 11-15 and 17-20 remain pending in the Application. No new matter has been added due to the Amendments herein.

Drawings

In the Office Action, the Examiner objected to Figure 1 as it should be designated by a legend such as -prior art-. Applicant respectfully disagrees.

With respect to Figure 1, Applicant respectfully points out that Figure 1 is clearly defined as an exemplary handheld device that may be used for blueprint data entry in accordance with an embodiment of the present claimed invention.

In other words, Applicant respectfully submits that Figure 1 is provided as enablement and is therefore correctly provided in the detailed description section. Moreover, as the Claims are directed toward operations performed on the handheld device of Figure 1, Applicant additionally submits that Figure 1 must be viewed in context, e.g., as a device upon which a claimed embodiment may be utilized therewith.

Therefore, Applicant respectfully submits the objection with respect to Figure 1 is overcome as Figure 1 is not “that which is old” as the present Office Action portends.

Rejection under 102(e)

Claims 1-5, 7-8, 11-15 and 17-20

In the Office Action, the Examiner rejected Claims 1-5, 7-8, 11-15, and 17-20 under 35 USC 102(e) as being anticipated by Thomas et al. (7,130,774). Applicant has reviewed Thomas et al. and respectfully states that Thomas et al. do not anticipate the present invention for the following rationale.

With respect to Claim 5, Applicant respectfully submits Claim 5 is canceled herein. Therefore, the rejection with respect to Claim 5 is moot.

**A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” /Verdegaal Bros. v. Union Oil Co. of California/, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). ... “The identical invention must be shown in as complete detail as is contained in the ... claim.” /Richardson v. Suzuki Motor Co./, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).**

With respect to amended Independent Claim 1, Applicant respectfully states that Claim 1 includes the features, “a graphical user interface for providing line segment data entry fields, arc data fields comprising a start point field, an end point field, and a radius field and for displaying input line segments and arc data; a processor and memory adapted for accepting, storing, and editing line segment and arc data associated with said input line segments, said editing of said arc data further comprising an arc segmenter for automatically segmenting a previously placed arc into at least two distinct arc segments.”

With respect to Amended Independent Claims 8 and 15, Applicant respectfully states that Claims 8 and 15 includes the feature, “entering a direction for said first line segment; entering a start point for an arc; entering an end point for said arc; entering a radius for said arc; entering and displaying said line segment and said arc on a display associated with said handheld device; providing a segment editor to automatically parse said arc into a plurality of arc subdivisions.”

Support for the Claim amendments can be found throughout the Figures and Specification including at least Figures 4A-4C and page 13 lines 15 through page 14 line 7.

Applicant respectfully contends that Thomas et al. fails to anticipate each and every element as set forth in the Claim. As such, Applicant respectfully submits that the features of Claims 1, 8 and 15 are not anticipated by Thomas et al. As such, Applicant respectfully submits that the rejection under 102(e) is overcome and that Claims 1, 8 and 15 are allowable.

Accordingly, Applicant also respectfully submits that Claims 2-4 and 7 are dependent on Independent Claim 1, Claims 9-14 are dependent on Independent Claim 8 and Claims 17-20 are dependent on Independent Claim 15 and that Claims 2-4, 7, 11-14, and 17-20 recite further features of the present claimed invention. Therefore, Applicant respectfully states that Claims 2-4, 7, 11-14, and 17-20 are allowable as pending from allowable base Claims.

Rejection under 103(a)

Claims 6, 10 and 16

In the Office Action, the Examiner rejected Claims 6, 10 and 16 under 35 USC 103(a) as being unpatentable over Thomas et al. as applied to Claim 1 above, in view of Olmstead (7013234). Applicant has reviewed the cited references and respectfully submits that the present invention is not rendered obvious over Thomas et al. in view of Olmstead for the following rationale.

With respect to Claims 6, 10 and 16, Applicant respectfully submits Claims 6, 10 and 16 are canceled herein. Therefore, the rejection with respect to Claims 6, 10 and 16 is moot.

Further, Applicant respectfully points out that the currently amended Claims 1, 8 and 15 overcome the suggested combination of Thomas in view of Olmstead for the following rationale.

Regarding Olmstead, Applicant understands the Examiner to state that Olmstead is in the same field of endeavor as entering data measurement in a handheld device. However, with this assertion, Applicant respectfully disagrees. That is, Applicant does not understand Olmstead to teach or render obvious entering data measurements in a handheld device.

In contrast, Applicant understands Olmstead to teach a computer software product having a computer-readable storage medium in which program instructions are stored,

which instructions, when read by a computer receiving building element data, cause the computer to assemble the building element data into a boundary of the building, determine relative positions of at least two measurement points derived from the building element data, calculate distances between the at least two measurement points and at least two batter points located away from all of the at least two measurement points, and display and/or output the calculated distances (emphasis added).

In addition, Applicant understands Olmstead to teach that the computer software in a computing device is capable of outputting the data to computer screens, such as those connected to desktop, laptop, and hand-held computers, it is also preferable that printouts containing the matrices of data can be obtained, thus enabling workers to take the data to the jobsite in a compact, inexpensive, and disposable form.

Therefore, Applicant respectfully submits that Olmstead does not teach or render obvious entering data measurements in a handheld device. Instead, Applicants understand Olmstead to teach that a handheld device may be used to receive an output of data, to be displayed on a screen, from a computing device.

For this reason, Applicant respectfully submits that Olmstead is not, in fact, in the same field of endeavor of entering data measurements into a handheld device. As such, Applicant respectfully submits that the rejection of Claims 6, 10 and 16 under 35 U.S.C. §103(a) is improper and should be withdrawn.

Furthermore, assuming arguendo, Applicant respectfully states that with respect to amended Independent Claim 1, Applicant respectfully states that Claim 1 includes the features, “a graphical user interface for providing line segment data entry fields, arc data fields comprising a start point field, an end point field, and a radius field and for displaying input line segments and arc data; a processor and memory adapted for accepting, storing, and editing line segment and arc data associated with said input line segments, said editing of said arc data further comprising an arc segmenter for automatically segmenting a previously placed arc into at least two distinct arc segments.”

With respect to Amended Independent Claims 8 and 15, Applicant respectfully states that Claims 8 and 15 includes the feature, “entering a direction for said first line segment; entering a start point for an arc; entering an end point for said arc; entering a radius for said arc; entering and displaying said line segment and said arc on a display associated with said handheld device; providing a segment editor to automatically parse said arc into a plurality of arc subdivisions.”

Applicant respectfully submits that modifying Thomas as suggested in the present Office Action is improper as the modification suggested would change the method of operation of Thomas.

Specifically, Applicant points out that Thomas teaches a method for measuring and establishing plans for an already built structure. Further, Thomas clearly provides numerous measurement articles and devices such as lasers, GPS receivers, etc. that may be used to enter data into the device. However, Thomas does not teach or render obvious the inputting of arc data into the device. This is because the device of Thomas is clearly defined as a device used for determining the layout of an existing structure, not for generating blueprints. For this same reason, Thomas does not teach and would not render obvious an arc editor which can be used to subdivide an arc that is in the plans on the device.

Since the device of Thomas is receiving actual structural data, e.g., plans, Thomas is not directed toward, nor concerned with, any abstract non-existent plans such as blueprints. Furthermore, since the inputs taught by Thomas are related to actual real world structures, there would be no reason to modify Thomas to include the ability to subdivide an arc within the scope of Thomas. Instead, the suggested combination would detrimentally affect the operations of Thomas as it would add unnecessary and undesired processing costs, data storage, and program complexity. This may result in a significant slowdown of a handheld machine or worse, a program to complex to be utilized on a handheld device.

For these reasons, Applicant respectfully submits that Claims 1-4, 7-9, 11-15 and 17-20 are not taught or rendered obvious over Thomas in view of Olmstead under 35 U.S.C. § 103(a).

**Claim 9**

In the Office Action, the Examiner rejected Claim 9 under 35 USC 103(a) as being unpatentable over Thomas et al. and further in view of Minakata et al. (5,568,565). Applicant has reviewed the cited references and respectfully submits that the present invention is not rendered obvious over Thomas et al. in view of Minakata et al. for the following rationale.

Applicant respectfully states that Claim 9 is dependent from an allowable Independent Claim 8. Therefore, Claim 9 is also in condition for allowance as being dependent on an allowable base Claim and reciting further features of the present claimed invention.

Conclusion

In light of the above amendments and remarks, Applicant respectfully requests allowance of Claims 1-4, 7-9, 11-15 and 17-20.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present application.

Respectfully submitted,  
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